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PTO/SB/30 (09-04)

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/698,640
Filing Date	October 27, 2000
First Named Inventor	Marks
Art Unit	3628
Examiner Name	R. Fuhs
Attorney Docket Number	36207.0100

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☒ Other Response to Office Action Filed December 4, 2004
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 19-2814. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2036 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	<i>[Signature]</i>	Date	<u>5/4/05</u>
Name (Print/Type)	Daniel R. Pote	Registration No.	43,011

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>[Signature]</i>	Date	<u>5-4-05</u>
Name (Print/Type)	Sari Nieto		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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01 FC:2801 395.00 DA

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**CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.6(d)**

I hereby certify that this correspondence, along with any accompanying documents, pursuant to 37 C.F.R. §1.6(d), are being sent via facsimile addressed to: Examiner, Richard C. Fults, Facsimile No. 703-872-9306.

Date: 5-4-05By: Suri Nieb  
Signature of Person Transmitting Facsimile**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE****PATENT**

Applicant(s):	Marks	Atty. Docket No.:	36207.0100
Serial No.:	09/698,640	Examiner:	Fults, Richard C.
Filed:	October 27, 2000	Group Art Unit:	3628
Title:	METHODS AND APPARATUS FOR ONLINE AUCTIONS AND MARKET-PLACES UTILIZING PROGRAM TERMS		Confirmation No.: 4914

**TRANSMITTAL**

Mail Stop RCE  
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Sir:

Attached herewith is a Request for Continued Examination in response to the Advisory Action of March 11, 2005 and Final Office Action of June 6, 2004.

Small Entity Status

[ X ] Small entity status under 37 C.F.R. §§1.9 and 1.27 is claimed.

**FEE CALCULATION, CLAIMS AS AMENDED**

	Claims remaining after amendment		Highest number previously paid for		Present Extra		Additional Fee
Total Effective Claims	21	minus	21	=	0	x \$ 50.00 =	0.00
Independent Claims	4	minus	7	=	0	x \$ 200.00 =	\$0.00
If amendment enters proper multiple dependent claim(s) into this application for first time (per application)						\$360.00 +	N/A
						<b>Subtotal:</b>	<b>\$0.00</b>

Serial No. 09/698,640

**Fee Calculation: Request for Extension of Time  
pursuant to 37 C.F.R. §1.136(a)**

<input type="checkbox"/>	Response filed within first month after due date – add	\$ 120.00	N/A
<input type="checkbox"/>	Response filed within second month after due date – add	\$450.00	N/A
<input checked="" type="checkbox"/>	Response filed within third month after due date – add	\$1020.00	\$1020.00
<input type="checkbox"/>	Response filed within fourth month after due date – add	\$1590.00	N/A
<input type="checkbox"/>	Response filed within fifth month after due date – add	\$2160.00	N/A
	<b>SUBTOTAL:</b>		\$1020.00
	Discount for "small entity" status, enter half (1/2) of the second subtotal and subtract		<u>-510.00</u>
	<b>SUBTOTAL:</b>		<b>\$510.00</b>

**RCE Fee Calculation:**

RCE Fee pursuant to 37 C.F.R. §1.114 = \$790.00

If one of the "small entity" boxes above is checked,  
enter half (1/2) of the Subtotal and subtract. -395.00**SUBTOTAL: \$395.00****TOTAL FEES DUE \$905.00****Enclosures (check as applicable)**

☒ RCE  
☒ Acknowledgement Postcard

☒ Please charge Deposit Account No. 19-2814 in the amount of \$905.00.**A duplicate copy of this sheet is attached.**☐ Snell & Wilmer Check # \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.☐ No additional fee is required.

**This statement does NOT authorize charge of the issue fee.** The Commissioner is hereby authorized to charge any other fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (deficiency only) now or hereafter relative to this Application and the resulting Official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-2814 for which purpose a duplicate copy of this sheet is attached.

Respectfully submitted,

Date: 5/4/05By:   
Daniel R. Pote, Reg. No. 43,011

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**FACSIMILE TRANSMISSION**

DATE: May 4, 2005

TIME IN:  
TIME OUT:

TO:

Name	Fax Number	Phone Number
Richard C. Fults, Examiner U.S. Patent and Trademark Office Group Art Unit 3628	703-872-9306	703-305-5416

FROM: Daniel R. Pote

PHONE: 602-382-6325

RE: Our Docket No. 36207.0100

U.S. Patent Application Serial No. 09/698,640

## MESSAGE:

Transmitted herewith is a Request for Continued Examination for the captioned matter in response to the Final Office Action of June 7, 2004. Thank you.

Sincerely, Daniel R. Pote, Reg. No. 43,011

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OUR FACSIMILE NUMBER IS (602) 382-6070.

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